SEP 1 4 1982

ORIGINAL

Y 1.1/8:97-789

97TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 97-789

COMPLETED

SUBSISTENCE ALLOWANCE AND INSTITUTION OF COMMODORE RANK

31

AUGUST 23, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JONES of North Carolina, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 6804]

[Including cost estimate of the Congressional Budget Office]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 6804) to provide subsistence allowances for members of the Coast Guard officer candidate program, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

On page 1, lines 4 and 5, change "(g)" both times it appears to "(f)".

Beginning on page 2, after line2, add the following:

SEC. 2. That title 14, United States Code, is amended as follows:

(1) Section 41 is amended by inserting "commodores;" after "rear admirals;".

(2) Subsection (b) of section 42 is amended by striking out "0.75;" and inserting in lieu thereof ".375; commodore .375;".

(3) Subsections (a) and (b) of section 256 are each amended by striking out "rear admiral" and inserting in lieu thereof "commodore".

(4) Subsection (b) of section 259 is amended by striking out "read admiral" and inserting in lieu thereof "commodore".

(5) Section 271 is amended—

(A) by inserting a comma after "may" in subsection (c);

(B) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(C) by adding after subsection (c) the following new subsection;

89-006 O

BEST DOCUMENT AVAILABLE

"(d) When a vacancy in the grade of rear admiral occurs, the senior commodore serving on the active duty promotion list shall be appointed by the President, by and with the advice and consent of the Senate, to fill the vancancy. The appointment shall be effective on the date the vacancy occurred."

(6) Subsection (d) of section 275 is repealed.

(7) Subsection (a) of section 288 is amended by striking out "rear admiral" and inserting in lieu thereof "commodore".

(8) Subsection (a) of section 289 is amended to read as follows:

"(a) The Secretary may, whenever the needs of the service require, but not more often than annually, convene a board consisting of not less than six officers of the grade of commodore or rear admiral to recommend for continuation on active duty officers on the active duty promotion list serving in the grade of captain, who during the promotion year in which the board meets will complete at least three years' service in that grade and who have not been selected for promotion to the grade of commodore. Officers who are subject to retirement under section 288 of this title during the promotion year in which the board meets shall not be considered by this board.".

(9) (A) Section 290 is amended—

(i) by amending the catch line thereof to read as follows:

"**§ 290. Rear admirals and commodores; continuation on active duty; involuntary retirement; and**

(ii) by amending subsection (a) to read as follows:

"(a) The Secretary shall from time to time convene boards to recommend for continuation on active duty the most senior officers on the active duty promotion list serving in the grade of commodore or rear admiral who have not previously been considered for continuation in that grade. Officers serving for the time being or who have served in the grade of vice admiral or in the position of Chief of Staff are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral. A board shall consist of at least five officers serving in the grade of vice admiral or as rear admirals previously continued. Board shall be convened frequently enough to assure that each officer serving in the grade of commodore or rear admiral is subject to consideration for continuation during a promotion year in which he completes not less than four or more than five years combined service in the grades of commodore and rear admiral.".

(B) The item relating to section 290 in the table of sections at the beginning of chapter 11 is amended to read as follows:

BEST DOCUMENT AVAILABLE

"290. Rear admirals and commodores; continuation on active duty; involuntary retirement.".

(10) Subsection (b) of section 421 is amended by striking out "rear admiral" and inserting in lieu thereof "commodore".

(11) Section 462a is repealed.

(12) Subsection (b) of section 724 is amended—

(A) by striking "rear admiral" in the first sentence and inserting in lieu thereof "commodore"; and

(B) by striking "grade of rear admiral" in the last sentence and inserting in lieu thereof "combined grades of commodore and rear admiral".

(13) Subsection (e) of section 729 is amended—

(A) by striking "the grade of rear admiral" and substituting "the grades of commodore and rear admiral"; and

(B) by inserting "for promotion to the grade of commodore" after "consideration".

(14) Subsection (b) of section 736 is amended to read as follows:

"(b) Notwithstanding any other law, when the running mate of a reserve officer serving in the grade of commodore is promoted to the grade of rear admiral, the reserve officer shall also be promoted to that grade.".

(15) Subsection (a)(2) of section 740 is amended by striking "rear admiral" and substituting "commodore."

(16) Subsection (b) of section 742 is amended by inserting "or commodore" after "rear admiral".

(17) (A) Section 743 is amended to read as follows:

"§ 743. Rear admiral and commodore; maximum service in grade 'Unless retained in or removed from an active status under any other law, a Reserve rear admiral or commodore shall be removed from an active status on the day that officer completes four years combined service in the grades of rear admiral and commodore.".

(B) The item relating to section 743 in the table of sections at the beginning of chapter 21 is amended to read as follows:

"743. Rear admiral and commodore; maximum service in grade.".

SEC. 3. (a) Section 202 of title 37, United States Code, is amended to read as follows:

"§ 202. Pay grades: commodores, retired list.".

"An officer of the Coast Guard holding a permanent appointment in the grade of commodore on the retired list, and who in time of war or national emergency has served satisfactorily on active duty for two years in that grade or in a higher grade, is entitled when on active duty to the basic pay of a rear admiral.".

BEST DOCUMENT AVAILABLE

(b) The item relating to section 202 in the table of sections at the beginning of chapter 3 of title 37 is amended to read as follows:

"202. Pay grades; commodores, retired list.".

SEC. 4. (a) An officer of the Coast Guard who on the day before the effective date of this Act—

(1) was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the upper half; or

(2) was serving on active duty in the grade of admiral or vice admiral,

shall after that date hold the permanent grade of rear admiral.

(b) An officer who on the day before the effective date of this Act was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the lower half shall after that date hold the permanent grade of commodore, but shall retain the title of rear admiral.

(c) An officer who on the day before the effective date of this Act was on an approved list of officers recommended for promotion to the grade of rear admiral shall, upon promotion, hold the grade of commodore with the title of rear admiral.

(d) An officer who on the day before the effective date of this Act—

(1) was serving on active duty in the grade of rear admiral and was entitled to the basic pay of a rear admiral of the lower half; or

(2) was on an approved list of officers recommended for promotion to the grade of rear admiral,

shall, on and after the effective date of this Act, or in the case of an officer on such a list, upon promotion to the grade of commodore, be entitled to wear the uniform and insignia of a rear admiral.

(e) An officer of the Coast Guard who on the day before the effective date of this Act held the grade of rear admiral on the retired list retains the grade of rear admiral and is entitled after that date to wear the uniform and insignia of a rear admiral. Such an officer, when ordered to active duty,—

(1) holds the grade and has the right to wear the uniform and insignia of a rear admiral; and

(2) ranks among commissioned officers of the Armed Forces as and is entitled to the basic pay of—

(A) a commodore, if his retired pay was based on the basic pay of a rear admiral of the lower half on the day before the effective date of this Act; or

(B) a rear admiral, if his retired pay was based on the basic pay of a rear admiral of the upper half on the day before the effective date of this Act.

(f) Unless entitled to a higher grade under another provision of law, an officer who on the day before the effective date of this Act—

BEST DOCUMENT AVAILABLE

(1) was serving on active duty, and
(2) held the grade of rear admiral;

and who retires on or after the effective date of this Act, retires in the grade of rear admiral and is entitled to wear the uniform and insignia of a rear admiral. If such an officer is ordered to active duty after his retirement, he is considered, for the purposes of determining his pay, uniform, insignia, and rank among other commissioned officers, as having held the grade of rear admiral on the retired list on the day before the effective date of this Act.

Purpose of the Legislation

The purpose of Section 1 of H.R. 6804 is to enable the Coast Guard to compete on a more equal footing with the other armed forces in recruiting officers. Under the proposed legislation, the Coast Guard would be authorized to pay college juniors and seniors who participate in a program similar to the Marine Corps' Platoon Leader Corps program or the Reserve Officer Training Corps (ROTC) programs in use by the other armed services.

The purpose of Sections 2, 3, and 4 is to provide for a new grade of commodore in the officer corps of the Coast Guard. This legislation would bring the Coast Guard's officer rank structure into line with that now in use by the U.S. Navy. It would also eliminate the practice of dividing the rear admiral grade into an upper-half and a lower-half.

Background

Section 1

The Coast Guard is currently experiencing a severe shortage of officers in certain specialties. In the last five fiscal years, only about 35 percent of the desired number of college graduates with degrees in certain disciplines, such as engineering, business, and computer science, have been recruited into the officer corps. Additionally, the recruiting rate for Coast Guard officers from minority groups is substantially less than the percentage of minorities both in the general population and among graduating college seniors. There exists also the potential for across-the-board recruiting shortages. Although the total number of applicants for Officer Candidate School (OCS) from among college graduates is presently satisfactory, there are indications that the recruiting climate may worsen significantly in the near future.

There are currently three sources from which the Coast Guard derives personnel for its officer corps: the Academy, OCS programs, and its direct commission program. The Academy provides a four-year program of college level academics combined with professional training, after which cadets are commissioned as ensigns in the regular Coast Guard. OCS provides four months of basic professional training to college graduates after which officer candidates are commissioned as ensigns in the Coast Guard Reserve. The direct commissioning program takes graduates from civilian colleges in select specialties and, after a one- or two-week indoctrination course, commissions them as officers of various ranks in the Coast Guard Reserve. In order to obtain

BEST DOCUMENT AVAILABLE

officers in difficult-to-fill specialties, the Coast Guard relies on OCS and, when necessary, its direct commission program.

Under 37 USC 209, the Defense Department services may pay certain students a monthly subsistence allowance (currently $100) while they are attending college. The Coast Guard, however, has no similar authority and consequently suffers a disadvantage in officer recruitment. H.R. 6804 would provide the Coast Guard with this authority. Under the proposed program, the Coast Guard would enlist candidates into the Coast Guard Reserve between their sophomore and junior years in college. Immediately after enlisting, and during the summer between their junior and senior years, candidates would serve on active duty for two months. During this pair of two-month summer active duty periods, candidates would complete the current four-month OCS program while enrolled in college, rather than immediately following graduation from college.

During their junior and senior years in college, candidates would be in an inactive duty status and would be provided a subsistence allowance in accordance with 37 USC 209 (currently $100 per month) during the nine months of the academic year. Upon graduation, candidates would be commissioned as ensigns in the Coast Guard Reserve and would be called to active duty for a period of three years.

The Coast Guard presently intends to require any candidate who accepts financial aid but subsequently leaves the program to fulfill a two-year active duty enlisted obligation after leaving college. In the analogous programs operated by the Defense Department, the armed forces are authorized to "require, as a condition to . . . providing advanced education assistance to any person, that such person enter into a written agreement with the Secretary concerned. * * *" This authority is provided by 10 USC 2005 and would extend to the Secretary of Transportation acting on behalf of the Coast Guard. These agreements typically include a commitment by the student to complete specified educational requirements and to serve on active duty for a specified period of time, or to serve on active duty for a specified period even if the academic requirements are not fulfilled. This arrangement is not necessarily ideal, however, because the financial assistance provided to officer trainees is granted in order that the person receiving the assistance may obtain an education that will allow him to serve as a commissioned officer in a field of particular value to the service. When persons receiving such financial assistance fail to complete the specified educational requirements, ordering such persons to active duty may be of little value to the service.

In order to overcome this dilemma, a proposal has been made to authorize the government to require the reimbursement of all financial assistance provided to a person who fails to complete the specified education requirements or who refuses or is unable to serve on active duty. Under this plan, which is included in the proposed Uniformed Services Pay Act of 1982 (H.R. 6317) the Secretary concerned would be able either to order an individual to active duty or to seek reimbursement for educational assistance. The Committee supports the plan to authorize the military services to require either active duty service or reimbursement if officer trainees fail to complete the educational program they agree to complete. Should the Coast Guard implement a program of the type authorized by H.R. 6804, it should ensure that sanctions for disenrollment from any officer training program shall be no greater

BEST DOCUMENT AVAILABLE

than those for disenrollment from other training programs that provide the same benefits to individuals, including the program at the Coast Guard Academy. The following is a chart of disenrollment sanctions that the Coast Guard currently applies administratively:

COAST GUARD OFFICER PROGRAM DISENROLLMENT SANCTIONS

Officer program	Status	Monthly pay or allowance[1]	Disenrollment sanction
Coast Guard Academy	1st and 2d class cadet	[2][3] $528.00	Transfer to inactive reserve.[4]
	3d and 4th class cadet	[3] 528.00	None.[4]
Officer candidate school	Active duty enlisted or warrant officer.	[3] 731.40	Return to active duty in prior grade.
	Reserve enlisted	[3] 731.40	None.[4]
Enlisted college student program	Active duty enlisted	[5][6] 618.30	Return to active duty in prior grade.
H.R. 6804—Officer candidate program.	Reserve enlisted	[6] 100.00	2 yr active duty.

[1] This chart shows only the pay and allowance benefits but does not display the benefit to the individual in terms of tuition, etc., appropriate for each particular program.
[2] One-half of ensign pay.
[3] Amount is equal to E–5 pay and does not include subsistence allowance which varies according to the number of dependents. Personnel participating in officer candidate school may receive higher pay if paid at a rate or grade higher than E–5 prior to entry in the program.
[4] Ex-cadets and officer candidates may opt for active duty or Active Reserve status.
[5] Amount is equal to E–2 pay, otherwise same conditions as in note 4.
[6] During 4 mo (2 summers) training, personnel receive pay in the grade of E–5 or $731.40 per month.

The costs of the program envisioned under Section 1 of H.R. 6804 will depend on the number of candidates attracted. The Coast Guard, however, estimates that approximately 50 to 70 persons will be accepted by the program each year and that annual costs will be:

Fiscal year:	*Cost*
1	$45,900
2	106,200
3	106,200
4	91,800
5	90,900

SECTIONS 2, 3, AND 4

Since 1899, the Navy has promoted officers in the grade of captain (0–6) directly to the two-star grade of rear admiral (0–8). Only during wars or national emergencies did it use the one-star grade of commodore (0–7), unlike the other DOD services which maintain one-star officers at all times. After World War II, the Navy and Coast Guard eliminated the grade of commodore but still promoted captains to pay grade 0–7, designated as rear admiral (lower-half) instead of commodore. The World War II grade of rear admiral became rear admiral (upper-half). This change in the officer rank structure is illustrated below:

	World War II	Post-World War II
Pay grade:		
0–10	Admiral	Admiral.
0–9	Vice admiral	Vice admiral.
0–8	Rear admiral	Rear admiral (upper half).
0–7	Commodore	Rear admiral (lower half).
0–6	Captain	Captain.
0–5	Commander	Commander.
0–4	Lieutenant commander	Lieutenant commander.
0–3	Lieutenant	Lieutenant.
0–2	Lieutenant (junior grade)	Lieutenant (junior grade).
0–1	Ensign	Ensign.

BEST DOCUMENT AVAILABLE

In December 1980, a comprehensive amendment to Title 10, United States Code, was enacted. This Act, commonly known as the Defense Officer Personnel Management Act (DOPMA), changed the military rank structure so that a new one-star grade of commodore admiral was established in the Navy to take the place of rear admiral (lower-half). Also, pay grade 0–8 was changed from rear admiral (upper-half) to rear admiral. In July 1981, an amendment to DOPMA was enacted that changed the name of the Navy's one-star rank from commodore admiral to commodore, thus establishing in peacetime the World War II Navy rank structure.

Since Coast Guard personnel matters, including rank structures, are not included in Title 10 of the U.S. Code, the Coast Guard was not affected by DOPMA and it therefore maintained the upper- and lower-half rear admiral distinction. The purpose of this section is to make the Coast Guard's rank structure once again consistent with that of the Navy.

The amendments to Titles 14 and 37, contained in sections 2 and 3, are technical in nature, designed merely to substitute the grade of commodore in place of rear admiral (lower-half) in the Coast Guard rank structure and make conforming changes in pay provisions. Certain transition provisions are also included in section 4. The bill, as originally requested by the Administration, was more limited in scope. The Committee's reported version, developed in close consultation with the Coast Guard, corrects technical deficiencies in the original draft and makes other changes consistent with the Defense Officer Personnel Management Act, as amended.

Committee Action

H.R. 6804 was introduced on July 20, 1982, by the Hon. Gerry E. Studds for himself and for Mr. Jones of North Carolina and Mr. Young of Alaska. The bill, as introduced, provided for subsistence allowances to be paid to participants in a new Coast Guard officer candidate program. As this bill was not considered to be controversial, no hearings were held on it.

SUBCOMMITTEE ACTION

The Subcommittee on Coast Guard and Navigation met on July 28, 1982, and by voice vote, adopted H.R. 6804 without amendment.

FULL COMMITTEE ACTION

The Committee on Merchant Marine and Fisheries met on August 3, 1982, and approved H.R. 6804, as amended, by voice vote.

The Committee considered, and approved, one amendment to the bill. On July 29, 1982, the bill H.R. 6909 was introduced by the Hon. Gene Snyder for himself and for Mr. Jones of North Carolina and Mr. Biaggi of New York. This bill provided for the new grade of commodore in the Coast Guard officer corps. It was intended to bring the Coast Guard's officer rank structure into line with that in use by the U.S. Navy and to eliminate the practice of dividing the rear admi-

BEST DOCUMENT AVAILABLE

ral grade into an upper-half and a lower-half. After it had been introduced, numerous minor technical changes were found to be necessary. Rather than amend H.R. 6909 with these changes, the Committee voted to add a revised version of the bill to H.R. 6804 as an amendment. The amendment was adopted by unanimous voice vote.

Section-by-Section Analysis

SECTION 1

This section amends 14 USC 705 by adding one new subsection. The amendment would authorize the Coast Guard to pay a subsistence allowance to Reservists who are enrolled in a Coast Guard officer candidate program and who are also full-time college students. The amount of this subsistence allowance would be the same as that provided to members of the Defense Department's Reserve Officer Training Corps (ROTC) program and the Marine Corps' Platoon Leader Corps program under 37 USC 209.

SECTION 2

This section establishes the grade of commodore in the U.S. Coast Guard and abolishes the current distinction of lower half and upper half for the grade of rear admiral. This change in the officer corps structure of the Coast Guard conforms Coast Guard flag officer rank designations to those of the U.S. Navy. In addition to creating the commodore rank, the changes made by Section 2 to title 14, U.S. Code, are of a technical nature necessary to make promotion and retention practices consistent with the creation of the commodore rank.

SECTION 3

This section amends section 202 of title 37, U.S. Code, to conform uniformed services pay and allowances provisions to the addition of the new grade of commodore to the officer corps of the Coast Guard.

SECTION 4

This section sets forth transitional provisions affecting active duty and retired rear admirals and officers on an approved list for promotion to the grade of rear admiral as of one day before the date of enactment. Essentially, these flag officers will be entitled to the title and uniform of rear admiral but be entitled only to the benefits and perquisities of a commodore. The treatment of active duty and retired flag officers and flag officer-designates is similar to that employed by the U.S. Navy pursuant to the Defense Officer Personnel Management Act of 1980.

Compliance With Clause 7, Rule XIII

In accordance with paragraph (d) of this clause, the provisions of this clause do not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office has been prepared and included in the report.

BEST DOCUMENT AVAILABLE

Compliance With Clause 2(l)(4), Rule XI (Inflationary Impact Statement)

This legislation will result in no additional cost to the government, although the Coast Guard will be authorized to spend an amount not estimated to exceed $110,000 per year from its operating expenses account to carry out the program created herein. This legislation is not expected to have any inflationary impact on prices and costs in the operation of the national economy.

Compliance With Clause 2(l)(3), Rule XI

(A) During the course of 1981, the Subcommittee on Coast Guard and Navigation held a comprehensive series of oversight hearings on all phases of Coast Guard operations and procedures. These hearings resulted in the preparation and release of an oversight report entitled "Semi-Paratus: The United States Coast Guard, 1981".

This oversight report states that "the recruiting and retention of adequate numbers of quality personnel is essential to the performance of Coast Guard missions." H.R. 6804 is designed to improve Coast Guard recruiting efforts, and is therefore compatible with the recommendations made in the oversight report.

(B) The requirements of section 308(a) of the Congressional Budget Act are not applicable to this legislation.

(C) The Committee on Merchant Marine and Fisheries has received no report from the Committee on Government Operations containing oversight findings or recommendations arrived at pursuant to clause 2(B)(2) of Rule X of the Rules of the House of Representatives.

(D) The director of the Congressional Budget Office has furnished the Committee with an estimate and comparison of cost for H.R. 6804, pursuant to section 403 of the Congressional Budget Act of 1974.

The submission is as follows:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., August 6, 1982.

Hon. Walter B. Jones,
Chairman, Committee on Merchant Marine and Fisheries,
U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 6804, a bill to provide subsistence allowances for members of the Coast Guard officer candidate program, and for other purposes, as ordered reported by the House Committee on Merchant Marine and Fisheries, August 3, 1982.

This bill allows the Secretary of Transportation to pay a subsistence allowance to full-time undergraduate candidates who complete the current four-month Officer Candidate School (OCS) program in two equal segments of two summer months each. During their junior and senior years in college, OCS candidates would be on inactive duty status and would be provided a subsistence allowance of $100 per month during the nine months of the academic year. It is expected that approximately 60 persons would be enrolled in the program each year, so that after the first year, a total of 120 persons would be enrolled in the program. Cost of the subsistence allowance would then

BEST DOCUMENT AVAILABLE

be approximately $54,000 the first year and $108,000 each year thereafter. Actual costs of the program would be determined by the number of persons applying and the number of candidates the Coast Guard determines is necessary for its projected needs.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

DEPARTMENTAL REPORT

H.R. 6804 was referred to the Department of Transportation for a report. No report has been returned to the Committee; however, an Executive Communication for H.R. 6804 and one for H.R. 6909, which was added by amendment to the bill in Full Committee, were the bases upon which the reported bill was drafted.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., July 2, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a draft of a proposed bill: "To provide subsistence allowances for members of the Coast Guard officer candidate program, and for other purposes."

The program to be established using the authority proposed under this bill is nearly identical in form and purpose to the Marine Corps Platoon Leader Corps program (P.L. 92-172, 85 Stat. 491). Candidates would be enlisted into the Coast Guard Reserve during college, be trained on active duty as officer candidates during the two summers prior to graduation and be commissioned as Ensigns upon graduation from school. As an inducement to enter this program, candidates would be paid the same subsistence allowance presently paid to those individuals in the Marine Corps program, i.e., one hundred dollars ($100) a month for the eighteen academic months of their junior and senior years.

The program is needed to alleviate present shortages the Coast Guard is experiencing in certain categories of officers and to forestall anticipated future shortfalls. Recruiting deficiencies presently exist in certain categories of college graduates, notably those with engineering and computer science degrees, as well as minority group backgrounds. It is anticipated that the proposed bill will help alleviate these deficiencies by removing the recruiting disadvantage the Coast Guard experiences by not having the statutory authority to conduct a program such as the Marine Corps Platoon Leader Corps program or the Reserve Office Training Corps programs of the other services.

It is recommended that the proposed legislation be enacted by the Congress.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of the proposed legislation to the Congress.

Sincerely,

DREW LEWIS.

Enclosures.

BEST DOCUMENT AVAILABLE

A BILL To provide subsistence allowances for members of the Coast Guard officer candidate program, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 705 of title 14, United States Code, is amended by adding a new subsection as follows:

(g) A member of the Coast Guard Reserve not on active duty who is enrolled in an officer candidate program authorized by section 600 of title 10 leading to a commission in the Coast Guard Reserve, and is a full-time student in an accredited college curriculum leading to a bachelor's degree may be paid a subsistence allowance for each month of the member's academic year at the same rate as that prescribed by section 209(a) of title 37.

SECTIONAL ANALYSIS—TO PROVIDE SUBSISTENCE ALLOWANCES FOR MEMBERS OF THE COAST GUARD OFFICER CANDIDATE PROGRAM, AND FOR OTHER PURPOSES

The program authorized under this bill is similar to the current Marine Corps Platoon Leader Corps program (P.L. 92-172, 85 Stat. 491). The Coast Guard program would consist of enlisting candidates in the Coast Guard Reserve between their sophomore and junior years in college and having them serve on active duty for two months immediately following enlistment and an additional two months during the summer between their junior and senior years. This program would allow candidates to complete the current four month Officer Candidate School (OCS) program in equal segments of two months each while enrolled in college, rather than immediately following graduation.

During their junior and senior years in college, candidates would be in an inactive duty status and would be provided a subsistence allowance of one hundred dollars ($100) per month during the nine months of the academic year. Upon graduation, candidates would be commissioned as Ensigns in the Coast Guard Reserve and would be called to extended active duty for a perior of three years. If financial aid is accepted and a candidate subsequently leaves the program before completing it, that individual would be required to serve a two year active duty enlisted obligation upon leaving college.

The Coast Guard is currently experiencing a severe shortage of certain categories of officers. In the last five fiscal years, only about thirty-five percent (35%) of the desired number of college graduates with degrees in certain disciplines, such as engineering, business and computer science, have been recruited into the officer corps. The Office of Personnel Management has experienced similar difficulties in recruiting engineers and has increased their starting salary rates to combat this shortage. Additionally, the recruiting rate for Coast Guard officers from minority groups is substantially less than the percentage of minorities both in the general population and among graduating college seniors. There exists also the potential for across the board recruiting shortages. Although the total number of applicants for Officer Candidate School from among college graduates presently is satisfactory, current indications are that the recruiting climate will worsen significantly in the near future.

BEST DOCUMENT AVAILABLE

It is anticipated that the proposed bill will aid the Coast Guard's efforts to alleviate current shortages and forestall future ones. The Coast Guard is at a recruiting disadvantage vis-a-vis the other military services because of their Reserve Officer Training Corps programs and the Marine Corps' Platoon Leader Corps Program. The proposed bill will provide the Coast Guard with a similar program to enable it to recruit candidates into its officer corps.

The costs of the program will be dependent upon the number of candidates attracted. Based upon the assumptions that OCS input into the officer corps will be 51, 67 and 51 persons respectively in fiscal years 3, 4 and 5 and that the number of college juniors receiving the allowance will be the same as the OCS input into the officer corps two fiscal years later, we estimate the annual costs as follows:

Fiscal year:	*Cost*
1	$45,900
2	106,200
3	106,200
4	91,800
5	90,900

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., July 22, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: There is transmitted herewith a draft of a proposed bill: "To establish the grade of commodore in the United States Coast Guard. and for other purposes."

The purpose of this bill is to provide for a new grade of commodore (O–7) in the officer corps of the Coast Guard. This legislation would bring the officer grades of the Coast Guard into line with those of the U.S. Navy and would abolish the rear admiral (lower-half)—(upper-half) distinction.

The amendments to titles 14 and 37 are technical in nature, designed merely to substitute the grade of commodore in place of rear admiral (lower-half) in the officer grades of the Coast Guard. This bill would not change the number of officers serving above the grade of captain (O–6) in the Coast Guard. Therefore, no budgetary impact would result from its enactment.

Enactment of this legislation would alleviate any potential problems which may result from the officer grades of the Coast Guard differing from those of the U.S. Navy.

The Office of Management and Budget has advised that there is no objection from the standpoint of this Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

DREW LEWIS.

Enclosures.

A BILL To establish the grade of commodore in the United States Coast Guard, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

BEST DOCUMENT AVAILABLE

(a) Section 41 is amended by inserting "commodores;" after "rear admirals;".

(b) Subsection (b) of section 42 is amended—

(1) by inserting "commodore .375;" after "0.75;"; and

(2) by striking out "0.75" and inserting in lieu thereof ".375".

(c) Section 256 is amended as follows:

(1) Subsection (a) is amended by striking out "rear admiral" and inserting in lieu thereof "commodore"; and

(2) Subsection (b) is amended by striking out "rear admiral" and inserting in lieu thereof "commodore";

(d) Subsection (b) of section 259 is amended by striking out "rear admiral" and inserting in lieu thereof "commodore".

(e) Section 271 is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(2) by adding a new subsection (d) to read as follows:

"(d) When a vacancy in the grade of rear admiral occurs as determined by subsection 202(b) of title 37, the senior commodore serving on active duty shall be appointed by the President, by and with the advice and consent of the Senate, to fill such vacancy as of the date such vacancy occurred."; and

(3) by inserting a comma after "may" in subsection (c).

(f) Subsection (a) of section 288 is amended by striking out "rear admiral" and inserting in lieu thereof "commodore".

(g) Subsection (a) of section 289 is amended to read as follows:

"(a) The Secretary may, whenever the needs of the service require, but not more often than annually, convene a board consisting of not less than six officers of the grade of commodore or rear admiral to recommend for continuation on active duty officers on the active duty promotion list serving in the grade of captain, who during the promotion year in which the board meets will complete at least three years' service in that grade and who have not been selected for promotion to the grade of commodore. Officers who are subject to retirement under section 288 of this title during the promotion year in which the board meets shall not be considered by this board."

(h) Section 290 is amended as follows:

(1) The catch line of section 290 is amended to read as follows:

"§ 290. Rear admirals and commodores; continuation on active duty; involuntary retirement"

(2) Subsection (a) is amended to read as follows:

"(a) The Secretary shall from time to time convene boards to recommend for continuation on active

BEST DOCUMENT AVAILABLE

duty the most senior officers on the active duty promotion list serving in the grade of commodore or rear admiral who have not previously been considered for continuation in that grade. Officers serving for the time being or who have served in the grade of vice admiral or in the position of Chief of Staff are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral. A board shall consist of at least five officers serving in the grade of vice admiral or as rear admirals previously continued. Boards shall be convened frequently enough to assure that each officer serving in the grade of commodore or rear admiral is subject to consideration for continuation during a promotion year in which he completes not less than four or more than five years combined service in the grades of commodore and rear admiral.

(3) The table of sections at the beginning of chapter 11 is amended by striking the item relating to section 290 and inserting in lieu thereof the following:

"§ 290. Rear admirals and commodores; continuation on active duty; involuntary retirement."

SEC. 2(a). Section 202 of title 37, United States Code, is amended to read as follows:

"§ 202. Pay grades; assignment to; rear admirals of the Coast Guard

"(a) An officer of the Coast Guard holding a permanent appointment in the grade of commodore on the retired list who is entitled to the basic pay of a commodore, and who in time of war or national emergency has served satisfactorily on active duty for two years in that grade or in a higher grade, is entitled when on active duty to the basic pay of a rear admiral.

"(b) The number of officers on the active list of the Coast Guard entitled to the basic pay of a rear admiral is one-half of the number of officers on the active list in grades above captain, less the number of officers serving in grades above rear admiral. If the division results in an odd number, the odd number shall be placed in the grade of rear admiral. However, an officer who is entitled to the basic pay of a rear admiral may not have his basic pay reduced solely because the combined number of rear admirals and commodores is reduced."

(b) The table of sections at the beginning of chapter 3 is amended by striking the item relating to section 202 and inserting in lieu thereof the following:

"§ 202. Pay grades; assignment to; read admirals of the Coast Guard."

SEC. 3. An officer who on the day before the effective date of this Act was on an approved list of officers recommended

BEST DOCUMENT AVAILABLE

for promotion to the grade of rear admiral shall, upon promotion, hold the title of rear admiral under the provisions of law regulations which existed prior to the effective date of this Act, except that he shall receive the basic pay and allowances of the grade of commodore.

SECTION-BY-SECTION ANALYSIS

Section 1(a). This section amends section 41 of title 14, U.S. Code, to provide for a new grade of commodore (O–7) in the officer corps of the Coast Guard. This amendment brings the officer grades of the Coast Guard into line with those of the U.S. Navy as provided for in the Defense Officer Personnel Management Act, and would abolish the Rear Admiral (lower-half)-(upper-half) distinction.

Section 1(b). This section clarifies the percentage distribution among commissioned officer grades of the Coast Guard with the addition of the new grade of commodore by amending subsection 42(b) of title 14, U.S. Code.

Section 1(c). This section amends subsections (a) and (b) of section 256 of title 14, U.S. Code, to provide for the establishment of promotion zones for all officer grades below the new grade of commodore (O–7).

Section 1(d). This section amends subsection (b) of section 259 of title 14, U.S. Code, to clarify that the percentage requirements which limit the number of officers who may be selected for promotion from below the promotion zone apply to officer grades below the new grade of commodore.

Section 1(e). This section adds a new subsection (d) to section 271 of title 14 to provide for the appointment of the senior commodore (O–7) to the grade of rear admiral (O–8) when a vacancy in that grade occurs. The appointment would be by the President with the advice and consent of the Senate.

Section 1(f). This section amends subsection (a) of section 288 of title 14, U.S. Code, to clarify that an officer serving in the grade of captain, unless selected for promotion to the new grade of commodore, would be retired on June 30 of the year in which he completes thirty years of active commissioned service in the Coast Guard.

Section 1(g).This section amends subsection (a) of section 289 of title 14, U.S. Code, to allow officers in the new grade of commodore to serve on continuation boards considering officers in the grade of captain. The subsection is also amended to clarify that captains who have not been selected for promotion to the new grade of commodore are subject to continuation board consideration.

Section 1(h). Subsection (a) of section 290 of title 14. U.S. Code, is amended to revise the provisions for continuation of real admirals and to clarify that officers in the new grade of commodore are subject to continuation board consideration. Under this amendment, rear admirals and commodores would be subject to continuation board consideration upon completion of four to five years as a flag officer.

BEST DOCUMENT AVAILABLE

Section 2. This section amends section 202 of title 37, U.S. Code, to conform to the addition of the new grade of commodore to the officer corps of the Coast Guard.

Section 3. This section clarifies the treatment of officers who are selected for, but not promoted, to rear admiral before this Act becomes effective. Under this section, those officers, upon promotion, would hold the title of rear admiral and would be considered rear admirals for all purposes, except that they would receive the basic pay and allowances of a commodore.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY THE PROPOSED BILL

(New matter in italic)

§ 41. Grades and ratings

In the Coast Guard there shall be an admiral, vice admirals; read admirals; *commodores;* captains; commanders; lieutenant commanders; lieutenants; lieutenants (junior grade); ensigns; chief warrant officers, W–4; chief warrant officers, W–3; chief warrant officers, W–2; cadets; warrant officers, W–1; and enlisted men. Enlisted men shall be distributed in ratings established by the Secretary.

§ 42. Number and distribution of commissioned officers

(a) The total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard shall not exceed 6,000.

(b) The commissioned officers on the active duty promotion list shall be distributed in grade in the following percentages, respectively: rear admiral [0.75] *.375; commodore* .375; captain 6.0; commander 12.0; lieutenant commander 18.0. The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign. The Secretary may, as the needs of the Coast Guard require, reduce the percentage applicable to any grade above lieutenant commander, and in order to compensate for such reduction increase correspondingly the percentage applicable to any lower grade.

(c) The Secretary shall, at least once each year, make a computation to determine the number of officers on the active duty promotion list authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made. In making computations under this section the nearest whole number shall be regarded as the authorized number in any case where there is a fraction in the final result.

(d) The numbers resulting from such computations shall be for all purposes the authorized number in each grade, except that the authorized number for a grade is temporarily increased during the period between one computation and the

BEST DOCUMENT AVAILABLE

next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

(e) Officers who are not included on the active duty promotion list, officers serving as extra numbers in grade under sections 432 and 433 of this title, and officers serving with other departments or agencies on a reimbursable basis or excluded under the provisions of section 9(d)(1) of the Department of Transportation Act (80 Stat. 944; 49 U.S.C. 1657), shall not be counted in determining authorized strengths under subsection (c) and shall not count against those strengths. The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruting, instructing, or training the reserve components shall be prescribed by the Secretary.

§ 256. Promotion zones

(a) Before convening a selection board to recommend officers for promotion to any grade above lieutenant (junior grade) and below [rear admiral] *commodore*, the Secretary shall establish a promotion zone for the grade to be considered. The promotion zone for each grade shall consist of the most senior officers of that grade on the active duty promotion list who are eligible for consideration for promotion to the next higher grade and who have not previously been placed in a promotion zone for selection for promotion to the next higher grade. The number of officers in each zone shall be determined after considering—

(1) the needs of the service;

(2) the estimated numbers of vacancies available in future years to provide comparable opportunity for promotion of officers in successive year groups; and

(3) the extent to which current terms of service in that grade conform to a desirable career promotion pattern.

However, such number of officers shall not exceed the number to be selected for promotion divided by six-tenths.

(b) Promotion zones from which officers will be selected for promotion to the grade of [rear admiral] *commodore* shall be established by the Secretary as the needs of the service require.

§ 259. Officers to be recommended for promotion

(a) A selection board convened to recommend officers for promotion shall recommend those eligible officers whom the board considers best qualified to the officers under consideration for promotion. No officer may be recommended for promotion unless he receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

BEST DOCUMENT AVAILABLE

(b) The number of officers that a board convened under section 251 of this title may recommend for promotion to a grade below [rear admiral] *commodore* from among eligible officers junior in rank to the junior officer in the appropriate promotion zone may not exceed—

(1) 5 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of lieutenant or lieutenant commander;

(2) 7½ percent of the total number of officers that the board is authorized to recommend for promotion to the grade of commander; and

(3) 10 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of captain;

unless such percentage is a number less than one, in which case the board may recommend one such officer for promotion.

§ 271. Promotions; appointments

(a) When the report of a board convened to recommend officers for promotion has been approved by the President, the Secretary shall place the names of all officers selected and approved on a list of selectees in the order of their seniority on the active duty promotion list.

(b) Officers on the list of selectees may be promoted by appointment in the next higher grade to fill vacancies in the authorized active duty strength of the grade as determined under section 42 of this title after officers on any previous list of selectees for that grade have been promoted. Officers shall be promoted in the order that their names appear on the list of selectees. The date of rank of an officer promoted under this subsection shall be the date of his appointment in that grade.

(c) An officer serving on active duty in the grade of ensign may, if found fully qualified for promotion in accordance with regulations prescribed by the Secretary, be promoted to the grade of lieutenant (junior grade) by appointment after he has completed twelve months' active service in grade. The date of rank of an officer promoted under this subsection shall be the date of his appointment in the grade of lieutenant (junior grade) as specified by the Secretary.

(d) When a vacancy in the grade of rear admiral occurs as determined by subsection 202(b) of title 37, the senior commodore serving on active duty shall be appointed by the President, by and with the advice and consent of the Senate, to fill such vacancy as of the date such vacancy occurred.

[(d)](e) Appointments of regular officers under this section shall be made by the President, by and with the advice and consent of the Senate. Appointments of Reserve officers shall be made as prescribed in section 593 of title 10.

[(e)](f) The promotion of an officer who is under investigation or against whom proceedings of a court-martial or a board of officers are pending may be delayed without prejudice by the Secretary until completion of the investigation or

BEST DOCUMENT AVAILABLE

proceedings. However, unless the Secretary determines that a further delay is necessary in the public interest, a promotion may not be delayed under this subsection for more than one year after the date the officer would otherwise have been promoted. An officer whose promotion is delayed under this subsection and who is subsequently promoted shall be given the date of rank and position on the active duty promotion list in the grade to which promoted that he would have held had his promotion not been so delayed.

§ 288. Regular captains; retirement

(a) Each officer of the Regular Coast Guard serving in the grade of captain whose name is not carried on an approved list of officers selected for promotion to the grade of [rear admiral] *commodore* shall, unless retired under some other provision of law, be retired on June 30 of the promotion year in which he, or any captain junior to him on the active duty promotion list who has not lost numbers or precedence, completes thirty years of active commissioned service in the Coast Guard. An officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection for promotion from below the zone is not subject to involuntary retirement with this section earlier than if he had not been selected from below the zone.

Except as provided in section 423(b) of this title, the retired pay of an officer retired under this section shall not be less than 50 percent of the basic pay upon which the computation of his retired pay is based.

§ 289 Captains; continuation on active duty; involuntary retirement

(a) The Secretary may, whenever the needs of the service require, but not more often than annually, convene a board consisting of not less than six officers of the grade of *commodore or* rear admiral to recommend for continuation on active duty officers on the active duty promotion list serving in the grade of captain, who during the promotion year in which the board meets will complete at least three years' service in that grade and who have not been selected for promotion to the grade of [rear admiral] *commodore*. Officers who are subject to retirement under section 288 of this title during the promotion year in which the board meets shall not be considered by this board.

(b) Whenever he convenes a board under this section, the Secretary shall establish a continuation zone. The zone shall consist of the most senior captains eligible for consideration for continuation on active duty who have not previously been placed in a continuation zone under this section. The Secretary shall, based upon the needs of the service, prescribe the number of captains to be included in the zone.

(c) Based on the needs of the service the Secretary shall furnish the board with the number of officers that may be recommended for continuation on active duty. This number shall be no less than 75 percent of the number considered.

BEST DOCUMENT AVAILABLE

The board shall select from the designated continuation zone, in the number directed by the Secretary, those officers who are, in the opinion of the board, best qualified for continuation on active duty.

(d) The provisions of sections 253, 254, 258, and 260 of this title relating to selection for promotion shall, to the extent that they are not inconsistent with the provisions of this section, apply to boards convened under this section.

(e) The Secretary shall prescribe by regulation the detailed procedures whereby officers in a continuation zone will be selected for continuation on active duty.

(f) A board convened under this section shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review the Secretary shall submit the report of the board to the President for his approval. Upon approval by the President, the names of the officers selected for continuation on active duty by the board shall be promptly disseminated to the service at large. Except as required by the procedures of this section, the proceedings of the board shall not be disclosed to any person not a member of the board.

(g) Each officer who is considered but not recommended for continuation on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the promotion year in which the report of the continuation board convened under this section is approved, or the last day of the month in which he completes twenty years of active service, whichever is later.

§ 290. Rear admirals *and commodores;* continuation on active duty; involuntary retirement

(a) The Secretary shall from time to time convene boards to recommend for continuation on active duty the most senior officers on the active duty promotion list serving in the grade of *commodore or* rear admiral who have not previously been considered for continuation in that grade. Officers serving for the time being or who have served in the grade of vice admiral or in the position of Chief of Staff are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral. A board shall consist of at least five officers serving in the grade of vice admiral or as rear admirals previously continued. Boards shall be convened frequently enough to assure that each officer serving in the grade of *commodore or* rear admiral is subject to consideration for continuation during a promotion year in which he completes not less than four or more than five years *combined* service in [that grade] *the grades of commodore and rear admiral.*

(b) The Secretary shall, based upon the needs of the service, furnish each board convened under this section with the number of officers to be considered for continuation on active duty. The number that may be recommended for continuation

BEST DOCUMENT AVAILABLE

shall be not less than 50 per centum or more than 75 per centum of the number of officers being considered for continuation.

(c) The provisions of sections 253, 254, 258, and 260 of this title relating to selection and continuation boards shall to the extent they are not inconsistent with the provisions of this section, apply to boards convened under this section.

(d) A board convened under this section shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review the Secretary shall submit the report of the board to the President for his approval.

(e) Each officer who is considered but not continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the promotion year in which the report of the continuation board convened under this section is approved.

(f) Each officer who is continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the promotion year in which he completes a total of thirty-six years of active commissioned service, including service creditable for retirement purposes under sections 432, 433, 434 of this title.

(g) Notwithstanding subsection (f) of this section, the Commandant, with the approval of the Secretary, may by annual action retain on active duty from promotion year to promotion year any officer who would otherwise be retired under subsection (f). An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that promotion year in which no action is taken to further retain him under this subsection.

§ 202. Pay grades: assignment to; rear admirals [(upper half)] of the Coast Guard.

(a) An officer of the Coast Guard holding a permanent appointment in the grade of [rear admiral] *commodore* on the retired list who is entitled to the basic pay of a [rear admiral of the lower half] *commodore* and who[,] in time of war or national emergency[,] has served satisfactorily on active duty for two years in that grade or in a higher grade, is entitled when on active duty to the basic pay of a rear admiral [of the upper half].

(b) The number of rear admirals on the active list of the Coast Guard entitled to the basic pay of a rear admiral [of the upper half] is one-half of the number of officers on the active list in grades above captain, less the number of officers serving in grades above rear admiral. If the division results in an odd number, the odd number shall be placed in the [upper half] *grade of rear admiral.* However, an officer who is entitled to the basic pay of a rear admiral [of the upper half] may not have his basic pay reduced solely because the *combined* number of rear admirals *and commodores* is reduced.

BEST DOCUMENT AVAILABLE

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

14 U.S.C. 41, 42(b), 256(a)–(b), 259(b), 271(c)–(e), 275(d), 288(a), 289(a), 290(a), 421(b), 462(a), 705, 724(b), 729(e), 736(b), 740(a)(2), 742(b), 743; 37 U.S.C. 202

§ 705. Benefits

* * * * * * *

(f) A member of the Coast Guard Reserve not on active duty who is enrolled in an officer candidate program authorized by section 600 of title 10 leading to a commission in the Coast Guard Reserve, and is a full-time student in an accredited college curriculum leading to a bachelor's degree may be paid a subsistence allowance for each month of the member's academic year at the same rate as that prescribed by section 209(a) of title 37.

---

§ 41. Grades and ratings

In the Coast Guard there shall be an admiral, vice admirals; rear admirals; *commodores;* captains; commanders; lieutenant commanders; lieutenants; lieutenants (junior grade); ensigns; chief warrant officers, W–4; chief warrant officers, W–3; chief warrant officers, W–2; cadets; warrant officers, W–1; and enlisted men. Enlisted men shall be distributed in ratings established by the Secretary.

---

§ 42. Number and distribution of commissioned officers

(a) The total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard shall not exceed 6,000.

(b) The commissioned officers on the active duty program list shall be distributed in grade in the following percentages, respectively: rear admiral [0.75;] *.375; commodore .375;* captain 6.0; commander 12.0; lieutenant commander 18.0. The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign. The Secretary may, as the needs of the Coast Guard require, reduce the percentage applicable to any grade above lieutenant commander, and in order to compensate for such reduction increase correspondingly the percentage applicable to any lower grade.

* * * * * * *

§ 256. Promotion zones

(a) Before convening a selection board to recommend officers for promotion to any grade above lieutenant (junior grade) and below [rear admiral,] *commodore*, the Secretary shall establish a promotion zone for the grade to be considered. The promotion zone for each grade shall consist of the most senior officers of that grade on the active duty promotion list who are eligible for consideration for promotion to the next higher grade and who have not previously been placed in a pro-

BEST DOCUMENT AVAILABLE

motion zone for selection for promotion to the next higher grade. The number of officers in each zone shall be determined after considering—

(1) the needs of the service;

(2) the estimated numbers of vacancies available in future years to provide comparable opportunity for promotion of officers in successive year groups; and

(3) the extent to which current terms of service in that grade conform to a desirable career promotion pattern.

However, such number of officers shall not exceed the number to be selected for promotion divided by six-tenths.

(b) Promotion zones from which officers will be selected for promotion to the grade of [rear admiral] *commodore* shall be established by the Secretary as the needs of the service require.

* * * * * * *

§ 259. Officers to be recommended for promotion

(a) A selection board convened to recommend officers for promotion shall recommend those eligible officers whom the board considers the best qualified of the officers under consideration for promotion. No officer may be recommended for promotion unless he receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

(b) The number of officers that a board convened under section 251 of this title may recommend for promotion to a grade below [rear admiral] *commodore* from among eligible officers junior in rank to the junior officer in the appropriate promotion zone may not exceed—

(1) 5 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of lieutenant or lieutenant commander;

(2) 7½ percent of the total number of officers that the board is authorized to recommend for promotion to the grade of commander; and

(3) 10 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of captain;

unless such percentage is a number less than one, in which case the board may recommend one such officer for promotion.

* * * * * * *

§ 271. Promotions; appointments

(a) When the report of a board convened to recommend officers for promotion has been approved by the President, the Secretary shall place the names of all officers selected and approved on a list of selectees in the order of their seniority on the active duty promotion list.

(b) Officers on the list of selectees may be promoted by appointment in the next higher grade to all vacancies in the authorized active duty strength of the grade as determined under section 42 of this title after officers on any previous list of selectees for that grade have been promoted. Officers shall be promoted in the order that their names appear on the list of selectees. The date of rank of an officer promoted under this subsection shall be the date of his appointment in that grade.

BEST DOCUMENT AVAILABLE

(c) An officer serving on active duty in the grade of ensign [may] *may*, if found fully qualified for promotion in accordance with regulations prescribed by the Secretary, be promoted to the grade of lieutenant (junior grade) by appointment after he has completed twelve months' active service in grade. The date of rank of an officer promoted under this subsection shall be the date of his appointment in the grade of lieutenant (junior grade) as specified by the Secretary.

(d) When a vacancy in the grade of rear admiral occurs, the senior commodore serving on the active duty promotion list shall be appointed by the President, by and with the advice and consent of the Senate, to fill the vacancy. The appointment shall be effective on the date the vacancy occurred.

[(d)] *(e)* Appointments of regular officers under this section shall be made by the President, by and with the advice and consent of the Senate. Appointments of Reserve officers shall be made as prescribed in section 593 of title 10.

[(e)] *(f)* The promotion of an officer who is under investigation or against whom proceedings of a court-martial or a board of officers are pending may be delayed without prejudice by the Secretary until completion of the investigation or proceedings. However, unless the Secretary determines that a further delay is necessary in the public interest, a promotion may not be delayed under this subsection for more than one year after the date the officer would otherwise have been promoted. An officer whose promotion is delayed under this subsection and who is subsequently promoted shall be given the date of rank and position on the active duty promotion list in the grade to which promoted that he would have held had his promotion not been so delayed.

* * * * * * *

§ 275. Wartime temporary service promotions

(a) In time of war, or of national emergency declared by the President or Congress, the President may suspend any section of this chapter relating to the selection, promotion, or involuntary separation of officers. Such a suspension may not continue beyond six months after the termination of the war or national emergency.

(b) When the preceding sections of this chapter relating to selection and promotion of officers are suspended in accordance with subsection (a), and the needs of the service require, the President may, under regulations prescribed by him, promote to a higher grade any officer serving on active duty in the grade of ensign or above in the Coast Guard.

(c) In time of war, or of national emergency declared by the President or Congress, the President may, under regulations to be prescribed by him, promote to the next higher warrant officer grade any warrant officer serving on active duty in a grade below chief warrant officer, W–4.

[(d) The grade of commodore in the Coast Guard is established for the purpose of this section.]

* * * * * * *

§ 288. Regular captains; retirement

(a) Each officer of the Regular Coast Guard serving in the grade of captain whose name is not carried on an approved list of officers selected for promotion to the grade of [rear admiral] *commodore* shall,

BEST DOCUMENT AVAILABLE

unless retired under some other provision of law, be required on June 30 of the promotion year in which he, or any captain junior to him on the active duty promotion list who has not lost numbers or precedence, completes thirty years of active commissioned service in the Coast Guard. An officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection for promotion from below the zone is not subject to involuntary retirement under this section earlier than if he had not been selected from below the zone.

(b) Except as provided in section 423(b) of this title, the retired pay of an officer retired under this section shall not be less than 50 percent of the basic pay upon which the computation of his retired pay is based.

§ 289. Captains; continuation on active duty; involuntary retirement

[(a) The Secretary may, whenever the needs of the service require, but not more often tha annually, convene a board consisting of not less than six officers of the grade of rear admiral to recommend for continuation on active duty officers on the active duty promotion list serving in the grade of captain, who during the promotion year in which the board meets will complete at least three years' service in that grade and who have not been selected for promotion to the grade of rear admiral. Officers who are subject to retirement under section 288 of this title during the promotion year in which the board shall not be considered by this board.]

(a) The Secretary may, whenever the needs of the service require, but not more often than annually, conveen a board consisting of not less than six officers of the grade of commodore or rear admiral to recommend for continuation on active duty officers on the active duty promotion list serving in the grade of captain, who during the promotion year in which the board meets will complete at least three years' service in that grade and who have not been selected for promotion to the grade of commodore. Officers who are subject to retirement under section 288 of this title during the promotion year in which the board meets shall not be considered by this board.

* * * * * * *

CHAPTER 11—PERSONNEL

OFFICERS

A. APPOINTMENTS

Sec.

* * * * * * *

D. DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS

281. Revocation of commissions during first three years of commissioned service.
282. Regular lieutenants (junior grade); separation for failure of selection for promotion.
283. Regular lieutenants; separation for failure of selection for promotion; continuation.
284. Regular Coast Guard; officers serving under temporary appointments.
285. Regular lieutenant commanders and commanders; retirement for failure of selection for promotion.

BEST DOCUMENT AVAILABLE

286. Discharge in lieu of retirement; severance pay.
286a. Regular warrant officers: severance pay.
287. Separation for failure of selection for promotion or continuation; time of.
288. Regular captains; retirement.
289. Captains; continuation on active duty; involuntary retirement.
[290. Rear admirals; continuation on active duty; involuntary retirement.]
290. Rear admirals and commodores; continuation on active duty; involuntary retirement.

[§ 290. Rear admirals; continuation on active duty; involuntary retirement

[(a) The Secretary shall from time to time convene boards to recommend for continuation on active duty the most senior officers on the active duty promotion list serving in the grade of rear admiral who have not previously been considered for continuation in that grade. Officers serving for the time or who have served in the grade of vice admiral or in the position of Chief of Staff are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral. A board shall consist of at least five officers serving in the grade of vice admiral or as rear admirals previously continued. Boards shall be convened frequently enough to assure that each officer serving in the grade of rear admiral is subject to consideration for continuation during a promotion year in which he completes not less than four or more than five years service in that grade.]

§ 290. Rear admirals and commodores; continuation on active duty; involuntary retirement

(a) The Secretary shall from time to time convene boards to recommend for continuation on active duty the most senior officers on the active duty promotion list serving in the grade of commodore or rear admiral who have not previously been considered for continuation in that grade. Officers serving for the time being or who have served in the grade of vice admiral or in the position of Chief of Staff are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral. A board shall consist of at least five officers serving in the grade of vice admiral or as rear admirals previously continued. Boards shall be convened frequently enough to assure that each officer serving in the grade of commodore or rear admiral is subject to consideration for continuation during a promotion year in which he completes not less than four or more than five years combined service in the grades of commodore and rear admiral.

* * * * * * *

§ 421. Retirement

(a) Every commissioned officer, warrant officer, or enlisted man who is retired under any provision of this title shall be retired with the permanent grade or rating held at the time of retirement, unless entitled to retire with a higher grade or rating under any provision of this title or any other law.

(b) Where an officer is entitled, under any provision of law, to retire with one grade higher than the grade in which serving at the time of retirement, the next higher grade in the case of captain shall be

BEST DOCUMENT AVAILABLE

[rear admiral.] *commodore*, and the next higher grade in the case of commissioned warrant officer shall be lieutenant (junior grade).

* * * * * * *

[§ 462a. Retired rear admirals; retired pay after two years of active duty

[Each officer of the Coast Guard holding a permanent appointment in the grade of rear admiral on the retired list who is entitled to the pay of the lower half of that grade, and who, in time of war or national emergency, serves satisfactorily on active duty for two years in that grade or in a higher grade, is entitled when not on active duty to retired pay equal to 75 percent of the basic pay of a rear admiral of the upper half.]

* * * * * * *

§ 724. Authorized number of officers

(a) The authorized number of officers in the Reserve in an active status is 5,000. The actual number of Reserve officers in an active status at any time shall not exceed the authorized number unless the Secretary determines that a greater number is necessary for planned mobilization requirements, or unless the excess results directly from the operation of law.

(b) The authorized number of Reserve officers in an active status below the grade of [rear admiral] *commodore* shall be distributed in grade in the following percentages, respectively: captain, 1.5; commander, 7.0; lieutenant commander, 22.0; lieutenant, 37.0; and in the combined grades of lieutenant (junior grade) and ensign, 32.5. When the actual number of Reserve officers in an active status in a grade is less than the number authorized, the difference may be applied to increase the authorized number in a lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law. The authorized number of Reserve officers in an active status not on active duty in the [grade of rear admiral] *combined grades of commodore and rear admiral* is two.

* * * * * * *

§ 729. Promotion; recommendations of selection boards

(a) Except as otherwise provided by law, a Reserve officer shall only be promoted pursuant to the recommendation of a selection board.

(b) The Secretary shall convene selection boards from time to time to recommend Reserve officers for promotion to the next higher grade. A board may be convened to consider officers in one or more grades.

(c) A selection board shall, from among the names of those eligible Reserve officers submitted to it, recommend for promotion to the next higher grade:

(1) those officers serving in the grade of lieutenant (junior grade) or above whom it considers to the best qualified; and

(2) those officers serving in the grade of ensign whom it considers to be fully qualified.

(d) Before convening a selection board to recommend Reserve officers for promotion to a grade above lieutenant (junior grade), the Secretary shall determine the total number of Reserve officers to be selected for promotion to that grade. The number to be selected shall

BEST DOCUMENT AVAILABLE

normally be equal to the number of vacancies existing in that grade, plus the number of vacancies anticipated over the next twelve months, minus the number of officers on the list of selectees for that grade. The Secretary may, however, prescribe regulations that provide for the establishment of promotion opportunity percentages for each grade to ensure that equitable promotion opportunities exist among successive groups of Reserve officers being considered for promotion. The number so determined may not cause the number of Reserve officers in an active status in a grade to exceed that authorized for the grade concerned.

(e) The law and regulations relating to the selection for promotion of a commissioned officer of the Regular Coast Guard to the [grade of rear admiral] *grades of commodore and rear admiral* apply to a Reserve officer, except that to be eligible for consideration *for promotion to the grade of commodore* an officer shall have completed at least ten years commissioned service, of which the last five years shall have been served in the Coast Guard Reserve.

* * * * * * *

§ 736. Date of rank upon promotion; entitlement to pay

(a) When a Reserve officer is promoted to the next higher grade under this subchapter, the same date of rank shall be assigned as that assigned to the officer's running mate. A Reserve officer so promoted shall be allowed the pay and allowances of the higher grade for duty performed from the date of the officer's appointment thereto.

[(b) Notwithstanding any other law and when a Reserve officer's running mate is so entitled, a Reserve officer in the grade of rear admiral is entitled to the pay and allowances of the upper half for duty performed.]

(b) Notwithstanding any other law, when the running mate of a reserve officer serving in the grade of commodore is promoted to the grade of rear admiral, the reserve officer shall also be promoted to that grade.

* * * * * * *

§ 740. Failure of selection and removal from an active status

(a) The Secretary—

(1) may remove from an active status a Reserve officer who has twice failed of selection to the next higher grade; and

(2) shall remove from an active status a Reserve officer serving in the grade of captain who has completed thirty years of total commissioned service and whose name is not carried on an approved list of selectees for promotion to the grade of [rear admiral.] *commodore.*

* * * * * * *

§ 742. Maximum ages for retention in an active status

(a) A Reserve officer, if qualified, shall be transferred to the Retired Reserve on the day the officer becomes sixty-two years of age.

(b) Notwithstanding subsection (a) of this section, the Secretary may authorize the retention of a Reserve rear admiral *or commodore* in an active status not longer than the day on which the officer concerned becomes sixty-four years of age.

* * * * * * *

BEST DOCUMENT AVAILABLE

CHAPTER 21—COAST GUARD RESERVE

Sec.

SUBCHAPTER A—GENERAL

* * * * * * *

SUBCHAPTER B—COMMISSIONED OFFICERS

* * * * * * *

742. Maximum ages for retention in an active status.
[743. Rear admiral; maximum service in grade.]
743. Rear admiral and commodore; maximum service in grade.

* * * * * * *

[§ 743. Rear admiral; maximum service in grade

[Unless retained in or removed from an active status under any other law, a Reserve rear admiral shall be removed from an active status on the day that officer completes four years of service in that grade.]

§ 743. Rear admiral and commodore; maximum service in grade

Unless retained in or removed from an active status under any other law, a Reserve rear admiral or commodore shall be removed from an active status on the day that officer completes four years combined service in the grades of rear admiral and commodore.

CHAPTER 3—BASIC PAY

Sec.

201. Pay grades: assignment to; general rules.
[202. Pay grades: assignment to; rear admirals (upper half) of the Coast Guard.]
202. Pay grades; commodores, retired list.
203. Rates.
204. Entitlement.
205. Computation: service creditable.
206. Reserves: members of National Guard; inactive-duty training.
207. Band leaders.
209. Members of precommissioning programs.

[§ 202. Pay grades: assignment to; rear admirals (upper half) of the Coast Guard

[(a) An officer of the Coast Guard holding a permanent appointment in the grade of rear admiral on the retired list who is entitled to the basic pay of a rear admiral of the lower half and who, in time of war or national emergency, has served satisfactorily on active duty for two years in that grade or in a higher grade is entitled when on active duty to the basic pay of a rear admiral of the upper half.

[(b) The number of rear admirals on the active list of the Coast Guard entitled to the basic pay of a rear admiral of the upper half is one-half of the number of officers on the active list in grades above

BEST DOCUMENT AVAILABLE

captain, less the number of officers serving in grades above rear admiral. If the division results in an odd number, the odd number shall be placed in the upper half. However, an officer who is entitled to the basic pay of a rear admiral of the upper half may not have his basic pay reduced solely because the number of rear admirals is reduced.]

§ 202. *Pay grades: commodores, retired list*

An officer of the Coast Guard holding a permanent appointment in the grade of commodore on the retired list, and who in time of war or national emergency has served satisfactorily on active duty for two years in that grade or in a higher grade, is entitled when on active duty to the basic pay of a rear admiral.

* * * * * * *

○

BEST DOCUMENT AVAILABLE